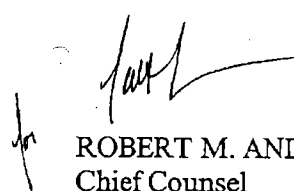


24 December 2003

## MEMORANDUM FOR Record

SUBJECT: Legal Review of Request for Waivers and Elimination of Pay Constraints for Civilian Deployees

1. Reference. Proposed Memorandum from LTG Robert B. Flowers, Chief of Engineers, to Ginger Groeber, Deputy Undersecretary of Defense for Civilian Personnel Policy (undated), subject as above.
2. Discussion. I have no legal objection to Reference 1 proposed memorandum, which requests a number of civilian compensation actions from the Department of Defense. However, the memorandum is not as persuasive as it could be. For example, the memorandum does not provide any background as to why USACE civilian employees are exceeding the annual salary limitation, why we are requesting waivers of indebtedness, or document that, unless the requested actions are taken, the USACE mission will be jeopardized. Counsel has advised the Action Officer to this effect and has offered suggestions to strengthen the memorandum. We have been told that USACE lacks the data to substantiate our suggested arguments at this time. We have further been told that additional time cannot be taken to gather this data, as USACE apparently erroneously believes that forwarding this memorandum prior to the end of the calendar year will make it easier for deployed employees to file their tax returns.
3. Conclusion. I recognize that this is a high priority for the Command, and note only that the case made by Reference 1 proposed memorandum is not as persuasive as it could be. Accordingly, I concur in the request, and my staff stands ready to assist in strengthening the arguments in Reference 1 if so desired.
4. POC for this memorandum is CPT Scott A. Felder, who may be reached at (202) 761-4931, [scott.felder@usace.army.mil](mailto:scott.felder@usace.army.mil).



ROBERT M. ANDERSEN  
Chief Counsel